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**THE HONORABLE BRIAN D. LYNCH  
CHAPTER 13**

**HEARING DATE: November 6, 2019**

**HEARING TIME: 1:30 P.M.**

**LOCATION: Tacoma, Washington**

**RESPONSE DATE: October 30, 2019**

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**IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

JULIE DIANE QUINTANILLA and  
WILLIAM ANDREW  
QUINTANILLA,

Debtors.

Case No.: 16-40965-BDL

NOTICE OF AND MOTION FOR DISMISSAL  
PURSUANT TO 11 U.S.C. § 1307(c)

**NOTICE**

**YOU ARE HEREBY NOTIFIED** that a hearing on Trustee's Motion to Dismiss will be heard before the Honorable Brian D. Lynch at **1:30 P.M. on November 6, 2019**, at the U.S. Bankruptcy Courthouse, 1717 Pacific Avenue, Courtroom I, Tacoma, WA 98402.

**IF YOU OPPOSE** this motion, you must file your written response with the Court Clerk and deliver copies on the undersigned and all interested parties, NOT LATER THAN THE RESPONSE DATE, which is **October 30, 2019**. You should also appear at the time of

1 hearing. If you fail to do so, the Court may enter an order granting the motion without any  
2 hearing and without further notice.

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4 **MOTION**

5 **COMES NOW**, Michael G. Malaier, the Chapter 13 Trustee and alleges as follows:

- 6 1. Debtors filed this case on **March 9, 2016**. The case was confirmed by order of the Court on  
7 **May 27, 2016**. A modified plan was filed on September 26, 2016, which was approved by  
8 order of the Court on October 24, 2016.
- 9 2. Pursuant to the modified plan, Debtors are required to make plan payments of **\$180.00**  
10 **every two weeks**. Debtors are presently delinquent in plan payments in the amount of  
11 **\$1,011.13**, supported by the Declaration filed herewith.
- 12 3. In addition, Debtors have failed to provide their 2016, 2017, and 2018 tax returns to the  
13 Trustee.
- 14 4. Debtors have defaulted under the terms of the Plan as follows: § 1307(c)(1) unreasonable  
15 delay by the debtor that is prejudicial to the creditors, § 1307(c)(6) failure to remit plan  
16 payments.  
17

18 **WHEREFORE** the Trustee prays that this case be dismissed and closed.

19  
20 **DATED** this 27th day of September, 2019 at Tacoma, Washington.

21  
22 /s/ Matthew J.P. Johnson  
23 Matthew J.P. Johnson, WSBA# 40476 for  
24 Michael G. Malaier, Chapter 13 Trustee  
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